

FILED
US DISTRICT COURT
DISTRICT OF ALASKA

2005 DEC 19 AM 10:16

om

John M. Murtagh
1101 West 7th
Anchorage, Alaska 99501
(907) 274-8664
Counsel for defendant Glade Lusk

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)

Plaintiff,)

Vs.)

GLADE LUSK, and,)

THAIRON C. HAWK,)

Defendants.)

Case No. A05-0052 CR. (RRB)

A05-107 CR (RRB)

MOTION TO WITHDRAW PENDING MOTIONS
WITHOUT PREJUDICE DUE TO NEAR
COMPLETION OF PLEA NEGOTIATIONS

COMES NOW, Glade Lusk, defendant herein, by and through his
attorney, John M. Murtagh, and hereby moves this Court for the entry of an
order permitting him to withdraw his pending motions:

MOTION TO STRIKE "death or
physical injury" aspects of 21 USC 841
(B)(1)(C) from COUNT I OF THE INDICTMENT, or
IN THE ALTERNATIVE, FOR RULING THAT THIS PENALTY
PROVISION DOES NOT APPLY TO THE FACTUAL
ALLEGATIONS IN COUNT I

JOHN M. MURTAGH
ATTORNEY AT LAW
1101 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-8664

MOTION TO STRIKE CITATION TO 21 USC 841
(b)(1)(C) from COUNT I OF THE INDICTMENT, or
IN THE ALTERNATIVE, FOR A BILL OF PARTICULARS-
DOES THIS COUNT RELATE TO THE ILLNESS EXPERIENCED
BY J.O, BY M.O. OR BY S.C, OR DOES IT RELATE TO THE DEATH
OF MM?

●
due to the near completion of plea negotiations. The opposition of the United States would otherwise be due on December 19, 2005.

Lusk and the United States have been in relatively constant discussions and have reached, each believes, a general structural way to resolve this case. It will take a period of time to complete the drafting process in order to be sure all aspects of the two indictments in this case are covered.

Lusk believes it is a more efficient and appropriate use of judicial and governmental resources at this time to withdraw the motions without prejudice, rather than requiring the United States and this Court research and evaluate motions that may be rendered moot shortly.

CERTIFICATION OF GOVERNMENT POSITION


Counsel for Lusk certifies that he has spoken with the Office of the United States Attorney and has been informed that the United States supports this approach.

Excludable delay. Excludable delay will result due to the filing and consideration of this motion.

JOHN M. MURTAGH

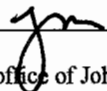
ATTORNEY AT LAW
1101 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-8664

Dated at Anchorage, Alaska this 19th day of December, 2005.


John M. Murtagh
Bar# 7610119
Counsel for Glade Lusk

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this pleading was served by mail ~~hand~~ fax upon the Office of the United States Attorney and counsel for codefendants on the 19 day of Dec, 2005


Law office of John M. Murtagh

JOHN M. MURTAGH

ATTORNEY AT LAW
1101 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-8684

John M. Murtagh
1101 West 7th
Anchorage, Alaska 99501
(907) 274-8664
Counsel for defendant Glade Lusk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
Vs.)
)
GLADE LUSK, and,)
THAIRON C. HAWK,)
Defendants.)

Case No. A05-0052 CR. (RRB)

AFFIDAVIT IN SUPPORT OF
MOTION TO WITHDRAW PENDING MOTIONS
WITHOUT PREJUDICE DUE TO NEAR
COMPLETION OF PLEA NEGOTIATIONS

State of Alaska)
) ss
3rd judicial district)

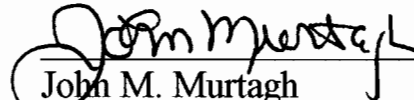
John M. Murtagh, being first duly sworn upon oath, deposes and
states:

(1) I am counsel for Glade Lusk and make this affidavit in support of
the foregoing motion.

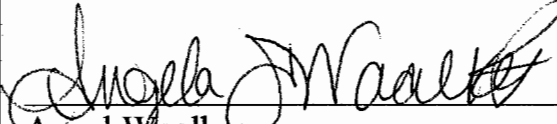
(2) the motion accurately sets forth the status of the case and further
accurately sets out the content of my conversationS with Mr.Randell,

JOHN M. MURTAGH
ATTORNEY AT LAW
1101 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-8664

Further affiant saith naught


John M. Murtagh

Subscribed and sworn to before me
this 19th day of December, 2005


Angel Waalkes



Notary Public in and for Alaska

My commission expires: 6/25/09

JOHN M. MURTAGH
ATTORNEY AT LAW
1101 WEST SEVENTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-8664